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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

U.S. DISTRICT COURT  
MID. DIST. TENN.

Linda F. Ellison,

Plaintiff,

Vs.

CASE NO. 3:17-cv-00729

Judge Aleta A. Trauger

Jury Demand

Clarksville Montgomery County School;  
Marvin Wilson, Janet Staggs, Principle;  
Yvonne C. Hackney, Principle;  
Jeanine Chester Johnson, Chief Human  
Resource Officer; Carol L. Joiner, General  
Counsel, **Et al.**,

Defendants.

**AMENDMENT TO COMPLAINT**

**COMES NOW**, the Plaintiff, Linda F. Ellison, *Pro se*, in and of her own person, pursuant to **Fed.R.Civ.P., Rule 19(a)(1)(A); (B)(i)**, and amends the Complaint.

Specifically, Plaintiff amends the Complaint to further allege that:

**I**

**Amendments to add Defendant(s)**

Former Principle Yvonne C. Hackney of **East Montgomery Elementary School**, is hereby added as a Defendant to this action.

## II

Defendant Hackney retired employment from Defendant CMCSS in June 2014; and while she is no longer an employee, as a former principle; she is considered a management level employee.

## III

Defendant Hackney, at all times relevant, from a time period “before” May 20, 2013 to June 6, 2014, committed acts against her, violative of **TITLE VII of the CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000 *et seq***; and **TITLE I OF THE AMERICANS WITH DISCIBILITIES ACT OF 1990, 42 U.S.C. § 12101 *et seq***. the **Americans with Disabilities Act Amendments of 2008 (ADAAA)**, as well as **Title I of the Civil Rights Act of 1991**.

## IV

From the time period “before” May 20, 2013, to June 6, 2014, Defendant Hackney placed “exaggerated purported deficiencies” in numerous written memos and reprimands as an excuse, and in an attempt, to “wrongfully” terminate her employment with Defendant CMCSS. See [Exhibit #21: Linda Ellison, Probationary Evaluation, November 28, 2007; Exhibit #22: September 2011-2012 Rating Period].

## V

The actions of Defendant Hackney placing “exaggerated purported deficiencies” in numerous written memos and reprimands during the above referenced time periods resulted in a hostile work environment, workplace harassment, and disability discrimination.

## VI

Defendant Hackney and the above named Defendants individually and together, knew that Plaintiff had been diagnosed with a serious knee problem since 2009, and had a scope procedure performed in 2015. **See [Exhibit #23: Tennessee Orthopedic Alliance (herein TOA) History of Present Illness, 04/14/2015; Exhibit #24: TOA HPI, 06/16/2015; Exhibit #25: TOA Physical Therapy Evaluation, 06/19/2015; Exhibit #26: TOA HPI, 07/17/2015; Exhibit #27: TOA Physical therapy discharge, 09/04/2015; Exhibit #28: TOA Chief Complaint, 11/02/2016].**

## VII

Defendants Hackney and Chester Johnson attempt to terminate Plaintiff was a pretext, and based on the perception that she was too old and disabled to work as Lead Custodian.

## VIII

Defendants Hackney and Chester Johnson reasons for making a determination to terminate or demote Plaintiff after they were aware of her medical conditions and disability in this case, is also pre-textual.

## IX

Plaintiff deems Defendants CMCSS, Hackney, Chester Johnson, and Joiner knowledge of her medical conditions and disability to be equivalent to intent for tort liability, and that Defendants

desired to cause the consequences of their act(s) and believed that the consequences were substantially certain to result . . . .”

## X

Defendants **CMCSS**, Hackney, Chester Johnson, and Joiner and indifference to the consequences of their actions.

## XI

Defendants **CMCSS**, Hackney, Chester Johnson, and Joiner “unadorned failure” to provide “reasonable accommodation”, as the **ADA** clearly provides as it relates to Plaintiff’s medical condition and disability; thus, she relies in part, on a reasonable accommodation theory.

## XII

Defendant **CMCSS** is liable under Title VII for employment discrimination on the basis of sex and a disability.

## XIII

Defendant Hackney individually, and/or in active concert and participation with Defendant Chester Johnson, instituted/initiated actions to terminate her employment with Defendant **CMCSS**. See [Exhibit #17: Letter Of Reprimand Apr. 30, 2010, Exhibit #18: Letter Of Reprimand May 20, 2013, Exhibit #19: Written Comments for Areas Needing Improvement, June 6, 2013].

## XI

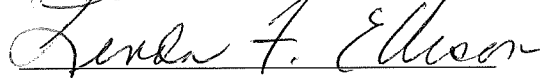
Defendant Hackney’s actions, at all times relevant from May 20, 2013 to June 6, 2014, individually, and/or in active concert and participation with Defendant Chester Johnson; directly impacts the liability of **CMCSS** and all other parties in this action.

**Amendments to add GINA Claims**

Defendants **CMCSS Onsite Employee Health and Wellness** has discriminated against her in violation of **42 U.S.C. §§ 2000ff-2, 3**. Specifically, through **CMCSS Policy OSM-NOPP; OSM-G011; OSM-F039; OSM-F038; and OSM-F046**.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff amends her Complaint with the foregoing allegations.

Respectfully submitted;

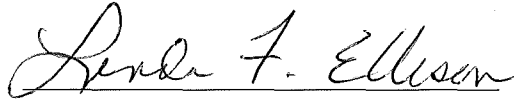
A handwritten signature in cursive script, reading "Linda F. Ellison", written over a horizontal line.

Linda F. Ellison, *Pro se*  
149 Darlene Drive, Apt. B  
Clarksville, Tennessee 37042

### CERTIFICATE OF SERVICE

I, Linda Ellison, hereby certify that a true and exact copy of the foregoing has been mailed, First Class prepaid Priority mail, per **Rule 4(e)(1) of the Federal Rules of Civil Procedure** and **Rule 4.04(8) of the Tennessee Rules of Civil Procedure**, to the Office of the Clarksville City Attorney, Lance Baker, One Public Square, Clarksville, Tennessee 37040, on this the \_\_\_\_ day of \_\_\_\_\_, 2017.

Respectfully submitted;

A handwritten signature in cursive script that reads "Linda F. Ellison". The signature is written in dark ink and is positioned above the printed name and address.

Linda F. Ellison, *Pro se*  
149 Darlene Drive, Apt. B  
Clarksville, Tennessee 37042

## **Exhibit List**

- 21. Exhibit #21: Linda Ellison, Probationary Evaluation, November 28, 2007;**
- 22. Exhibit #22: September 2011-2012 Rating Period;**
- 23. Exhibit #23: Tennessee Orthopedic Alliance (herein *TOA*) History of Present Illness, 04/14/2015;**
- 24. Exhibit #24: *TOA* HPI, 06/16/2015;**
- 25. Exhibit #25: *TOA* Physical Therapy Evaluation, 06/19/2015;**
- 26. Exhibit #26: *TOA* HPI, 07/17/2015;**
- 27. Exhibit #27: *TOA* Physical therapy discharge, 09/04/2015; Exhibit #28: *TOA* Chief Complaint, 11/02/2016**

**IN THE UNITED STATES DISTRICT COURT  
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Linda F. Ellison,

Plaintiff,

Vs.

**CASE NO. 3:17-cv-00729**

**Judge Aleta A. Trauger**

**Jury Demand**

Clarksville Montgomery County School;  
Marvin Wilson, Janet Staggs, Principle;  
Yvonne C. Hackney, Principle;  
Jeanine Chester Johnson, Chief Human  
Resource Officer; Carol L. Joiner, General  
Counsel, **Et al.**,

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT**

Federal Rule of Civil Procedure 15(a) governs amending pleadings before trial. A party may amend a pleading once as a matter of course... (a) within twenty-one days after serving it... In all other cases, a party may only amend a pleading by obtaining the opposing party's written consent or receiving leave of the court. **Foman v. Davis**, 371 U.S. 178, 230 (1962).

Plaintiff seeks to “(1) add brief sub-paragraphs pleading her **Title VII**, **Title I**, and **GINA** claims and describing said with greater particularity; and (2) add Hackney as an additional Party.”

**Rule 15 of the Federal Rules of Civil Procedure** provides in part that the Court “should freely give leave [to amend a pleading] when justice so requires.” **Moore v. City of Paducah**, 790 F.2d 557, 559 (6<sup>th</sup>.Cir. 1986).



Respectfully submitted;

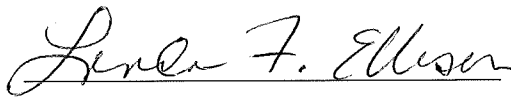
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Linda F. Ellison, *Pro se*  
149 Darlene Drive, Apt. B  
Clarksville, Tennessee 37042

**CERTIFICATE OF SERVICE**

I, Linda Ellison, hereby certify that a true and exact copy of the foregoing has been mailed, First Class prepaid Priority mail, per **Rule 4(e)(1) of the Federal Rules of Civil Procedure** and **Rule 4.04(8) of the Tennessee Rules of Civil Procedure**, to the Office of the Clarksville City Attorney, Lance Baker, One Public Square, Clarksville, Tennessee 37040, on this the 11 day of May, 2017.

Respectfully submitted;



Linda F. Ellison, *Pro se*  
149 Darlene Drive, Apt. B  
Clarksville, Tennessee 37042



**Ellison, Linda**

59 Year old female DOB [REDACTED]  
1711 D Baltimore Drive Clarksville, TN 37043-  
Phone: (931)542-9301

**Encounter Date:** 04/14/2015 04:00 PM  
**Physician:** John W. Oglesby MD

**Reason for Visit:**

Pain, swelling, stiffness left knee.

**History of Present Illness:**

This 59-year-old lady from Clarksville is a good of the friend of Streetman family. She works as a custodian for the Clarksville School System. As such, she is on her feet for many hours a day and has to do a fair amount of pushing and lifting. She has had years of symptoms in the left knee, which are chronic and progressive. She has been through cortisone injections, which did not help, Supartz injections which did not help, and oral medications, which suppress her soreness a little bit. Despite this, she has progressive difficulty doing her job because of pain, stiffness, and swelling. She also has difficulty with sleeping when the days are bad.

1. Left knee

**Problem List:**

**Problem Description**

Anemia  
DJD  
Diabetes  
Arthritis  
Essential HTN

**Medications (active prior to today)**

Medication Name	Start Date	Last refill	Sig Desc	Elsewhere
metformin 500 mg tablet	//		take 1 tablet by oral route 2 times every day with morning and evening meals	Y
indapamide 2.5 mg tablet	//		take 1 tablet by oral route every day in the morning	Y
losartan 50 mg tablet	//		take 1 tablet by oral route every day	Y
ferrous sulfate	//			Y
Vitamin D2 50,000 unit capsule	//		take 1 capsule by oral route every week	Y
Multi Vitamin	//			Y
Lortab 7.5 mg-325 mg tablet	//		take 1 tablet by oral route every 8 hours as needed for pain	Y

**Medication Reconciliation**

Medications reconciled today.

Adherence	Medication Name	Sig Desc	Elsewhere	Status
taking as directed	metformin 500 mg tablet	take 1 tablet by oral route 2 times every	Y	Verified

**Encounter Date:** 06/16/2015 01:00 PM

**Provider:** John W. Oglesby MD

**HPI:**

Ms. Ellison is two weeks out from her arthroscopic medial meniscectomy. She is complaining of electrical pain in the lateral aspect of the thigh, but her knee pain, catching, giving way, and distal leg pain, which she had preoperatively have all resolved.

**Physical Exam:**

Wounds are benign. There is no effusion. There is no sign of DVT or infection. Range of motion is 0 to about 100 degrees.

**Plan:**

**DISPOSITION**

I showed her the operative photographs and explained the findings to her. I am putting her on Medrol Dosepak. I am referring her to physical therapy. I will see her back in a month.

**Additional visit information**

1. PO left knee scope

**Problem List:**

**Problem Description**

Anemia  
DJD  
Diabetes  
Arthritis  
Essential HTN

**Past Medical History:**

Reviewed, no change.

**Medications (active prior to today)**

Medication Name	Start Date	Last refill	Sig Desc	Elsewhere
metformin 500 mg tablet	//		take 1 tablet by oral route 2 times every day with morning and evening meals	Y
indapamide 2.5 mg tablet	//		take 1 tablet by oral route every day in the morning	Y
losartan 50 mg tablet	//		take 1 tablet by oral route every day	Y
ferrous sulfate	//			Y
Vitamin D2 50,000 unit capsule	//		take 1 capsule by oral route every week	Y
Multi Vitamin	//			Y
Lortab 7.5 mg-325 mg tablet	//		take 1 tablet by oral route every 8 hours as needed for pain	Y

**Medication Reconciliation**

Medications reconciled today.

Adherence	Medication Name	Sig Desc	Elsewhere	Status
taking as directed	metformin 500 mg tablet	take 1 tablet by oral route 2 times every day with morning and evening meals	Y	Verified

**Ellison, Linda**

MRN: [REDACTED]

Sex: female DOB: [REDACTED]

149 B DARLENE DR Clarksville, TN 37042-6298

Home #: (931)542-9301 Work: (931)217-3803

**Encounter Date: 06/19/2015 08:30 AM**

**Provider: Erin R. Taylor DPT**

## Physical Therapy Evaluation

**Referring Physician:** John Oglesby

**Primary Therapist:** Erin R. Taylor

**Onset Date:**

**Date of Referral:** 06/16/2015

**Initial Evaluation Date:** 06/19/2015

**Start of Care Date:** 06/19/2015

### Ordering Assessment:

Diagnosis: Osteoarthritis, localized, primary, involving lower leg Code: 715.16

### Treating Assessment:

Diagnosis: Knee pain Code: 719.46

Diagnosis description	Dx code	Status
Knee pain	719.46	

### Physical Therapy Orders:

Reason	DX	Description
Physical therapy evaluation plan	719.46	Exercises include range of motion, strengthening, gait training, HEP. Please provide education and literature on arthritis education and literature, joint protection. Modalities are ultrasound, electrical stimulation, heat, cold, Manual. Twice per week for a duration of 4 weeks. This referral is good for 8 visits.

*Patient is aware of diagnosis/prognosis*

### Chief Complaint/Reason for Visit

The patient is a 59 year old female s/p L knee scope.

1. knee

Linda Ellison is a 59 year old female.

**Comments (Subjective):** Pt reports she had L knee scope 6/2. Pt states she is having 3 different types of pain. She feels like there is electricity up the back of the thigh. She also has pain at the medial knee which can be a deep ache "in the bone" or a "lightening" that is more of a shooting pain. Pain comes and goes but always has some discomfort. Ranges from 5-8/10. Pain is worse at night. Pain is increased with walking, standing, stairs, sit to stand. She feels like it "locks up" when she goes from lying or sitting to standing. Pain is decreased with pain medication, ice, and elevation. Pt would like to perform ADLs and return to work as custodian at elementary school.

**Ellison, Linda**

MRN [REDACTED]

Sex: female DOB: [REDACTED]

149 B DARLENE DR Clarksville, TN 37042-6298

Home #: (931)542-9301 Work: (931)217-3803

**Encounter Date: 07/17/2015 10:40 AM**

**Provider: John W. Oglesby MD**

**HPI:**

She returns in followup of her left knee arthroscopy. She had a setback in physical therapy when she was doing leg presses and her pain flared.

**Physical Exam:**

Exam shows she is able to walk with a minimal limp now. Range of motion is 0-120 degrees. There is no sign of infection or DVT. There is no sign of new meniscal or ligament damage.

**DISPOSITION**

She is doing much better on a home exercise program. She will continue this. She may go back to work on August 11, 2015. I will see her back as needed.

**Additional visit information**

1. Left Knee

**Problem List:**

**Problem Description**

Anemia  
DJD  
Diabetes  
Arthritis  
Essential HTN

**Medications (active prior to today)**

Medication Name	Start Date	Last refill	Sig Desc	Elsewhere
metformin 500 mg tablet	//		take 1 tablet by oral route 2 times every day with morning and evening meals	Y
indapamide 2.5 mg tablet	//		take 1 tablet by oral route every day in the morning	Y
losartan 50 mg tablet	//		take 1 tablet by oral route every day	Y
ferrous sulfate	//			Y
Vitamin D2 50,000 unit capsule	//		take 1 capsule by oral route every week	Y
Multi Vitamin	//			Y
Lortab 7.5 mg-325 mg tablet	//		take 1 tablet by oral route every 8 hours as needed for pain	Y
Medrol (Pak) 4 mg tablets in a dose pack	06/16/2015		take by Oral route as directed on package	N
Mobic	//		take 1 tablet by oral route every day	Y

**Medication Reconciliation**

Medications reconciled today.

Adherence	Medication Name	Sig Desc	Elsewhere	Status
taking as directed	metformin 500 mg tablet	take 1 tablet by oral route 2 times every day with morning and evening meals	Y	Verified

**Ellison, Linda**

Sex: female DOB: [REDACTED]

149 B DARLENE DR Clarksville, TN 37042-6298

Home #: (931)271-3803 Work: (931)217-3803

**Encounter Date: 09/04/2015 08:20 AM**

**Provider: Erin R. Taylor DPT**

**Physical therapy discharge**

PATIENT: Linda Ellison

DATE OF BIRTH: [REDACTED]

ADDRESS: 149 B DARLENE DR

CITY: Clarksville

ZIP: 37042-6298

STATE: TN

TELEPHONE: (931)271-3803

REFERRING PHYSICIAN: Oglesby

TREATING THERAPIST: Erin R. Taylor

PRIMARY THERAPIST:

DATE OF SERVICE: 09/04/2015 08:20 AM

INITIAL EVALUATION DATE:

START OF CARE DATE:

**Ordering Assessment:**

Diagnosis: Osteoarthritis, localized, primary, involving lower leg Code: 715.16

**Treating Assessment:**

Diagnosis: Knee pain Code: 719.46

0

PLAN

GOALS

Date	
06/19/2015	Patient will be independent with progressive home exercise program within 4 weeks.
06/19/2015	Patient will resume pre-illness level of function within 4 weeks.
06/19/2015	Patient's pain in their left knee will improve to 3/10 within 4 weeks.
06/19/2015	Patient will achieve the function goal: Pt will ambulate with no antalgia, no pain within 4 weeks.

**Ellison, Linda**

MRN: [REDACTED]

Sex: female DOB: [REDACTED]

149 Darlene Drive Apt B Clarksville, TN 37042-6298

(931)218-1877 Work: (931)218-1877 Cell #: (931)218-1877 Alt #: (931)401-0635

**George Lu MD**

**Encounter Date: 11/02/2016 07:40 AM**

**Provider: Alison L. Cabrera MD**

**Chief Complaint:**

Left knee pain.

**HPI:**

Ms. Allison is a 61-year-old lead custody here in Clarksville in schools. She states that she has had trouble with her knee for many years now. She had a surgery by Dr. Oglesby in June of 2015 for medial meniscus tear. He did see arthritis and did review those pictures. She did have lot of arthritis seen in the medial compartment, grade 2, grade 3 changes on the medial femoral condyle as well as on the trochlea and had some patellar femoral arthritis seen with a degenerative meniscal tear. She states that she did somewhat better after that surgery, but she still had trouble. She takes Lortab 4 a day for her knee pain only. She is not trusting her knee. She aggravated this knee at school when one of the kids hit her in the knee and she fell and had pain and swelling in the knee and it worsened her knee. She did see Dr. McKellar in the last year or so and did have a Supartz injections, which she states helps some and also had steroid injections. She does wear a knee brace and she takes Mobic 15 mg a day.

**Physical Exam:**

Her height is 5 feet 2 inches, weight 135 pounds. She is walking with a limp today. She has BMI of 24. She has swelling seen to the knee, mild effusion, is tender over the medial joint line. She has mild varus alignment both knees. She can straighten the knee to about 5 degrees. Flexion is limited to about 90 degrees today. No instability on exam. She has partially correctable varus, 5/5 strength. No sensory deficits, 2+ dorsalis pedis.

**Imaging:**

Standing x-rays here ordered and reviewed by me today. She has joint space narrowing and osteophyte seen in the patella femoral joint as well as the medial compartment. Her right knee also has a severe narrowing of the medial compartment.

**Assessment:**

Left knee osteoarthritis.

**Plan:**

I recommended a trial of a steroid injection today and for her to wear a knee brace. I will give her all the information on joint replacement for her to review. We also discussed stopping her Mobic and trial of a different anti-inflammatory. She is already done naproxen and so we discussed Celebrex. I will start her on that and see if she has better results. Ultimately, she is taking narcotics for this knee. I think, she would do well with the knee replacement and have a chance to get off those pain medicines and functionally be better off. So, we will see her back in 2 weeks and assess her again.

**Procedures:**

Sterile prep to the left medial joint line injected 80 mg Depo-Medrol and 6 mL of 1% lidocaine. The patient tolerated it well with no complications.

Linda Ellison  
Probationary Evaluation  
November 28, 2007

**RECOMMENDATION:**

Continued employment, but withhold step increase pending re-evaluation in six months.

**TRADE KNOWLEDGE:**

Mrs. Ellison needs to demonstrate ability to apply required skills. She is unable to run the buffer in an efficient and effective manner.

**AVAILABILITY:**

Mrs. Ellison takes excessive smoking breaks. Smoking breaks are to be taken during the 30 minutes allotted for lunch time only.

Her availability to report to work is limited. Mrs. Ellison is not flexible when asked to report to work during emergencies or crises situations.

**TEAMWORK:**

Mrs. Ellison demonstrated a lack of teamwork during a major school event. She refused to participate with the team when they stayed after to support a PTO school sponsored activity.

These are signs that prohibit me from making a decision to remove Mrs. Ellison from the probationary category. She needs to be aware of what is appropriate behavior and should assume responsibility to use appropriate judgment on her own.

It is with high hopes that Mrs. Ellison gain knowledge of required skills, develop loyalty to the school and demonstrate teamwork with peers and school administration.



Attachment: September 2011-2012 Rating Period

Planning:

Ms. Linda was given a plan to help her ensure work was done on time and efficiently in the event one custodian was absent. Not to speak harshly to them thus creating a hostile work environment.

Customer Relations and Communication Skills:

Ms. Ellison has been informed on numerous occasions the need to communicate effectively to the Custodians under her lead as well as all stakeholders.

Mrs. Ellison accused me, Yvonne C. Hackney, of getting an attitude during a recent meeting with Jewel Cole. Ms. Cole was the recorder and noted the accusation in the notes.

Several teachers and staff members expressed being reluctant to make request for fear of upsetting Ms. Linda.

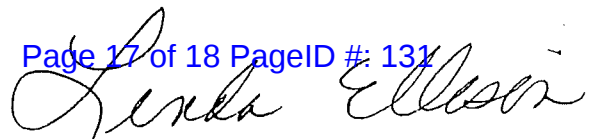
Guidance:

Ms. Linda demonstrates a lack of self- discipline when giving or receiving constructive concerns. She exhibits a hostile intimidating attitude to the custodians and administration.

The above areas have become serious to the workplace and needs to be corrected in the very near future or a letter of reprimand will in place.

The Rating is late due to the Lead Ms. Ellison being absent on the day planned to deliver. The deliver was scheduled to take place in the presence of Mr. Shedrich Webster on 9-23-11. Scheduling has also been problem.

Yvonne C. Hackney  
October 7,2011



# PRIORITY MAIL

*Linda F. Ellison  
149 B Dairlane Dr.  
Clarksville, TN 37042*



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37043  
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MAY 15 2017

U.S. DISTRICT COURT  
MID. DIST. TENN.

## AT RATE ENVELOPE

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*US District Court  
Court Clerk  
801 Broadway Rm # 800  
Nashville, TN 37203*

Expected Delivery Day: 05/13/2017

USPS TRACKING NUMBER



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